

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN ITALIAN PASTA COMPANY)	
)	
Opposer,)	Opposition No. 91161373
)	
v.)	
)	
BARILLA G. E R. FRATELLI - SOCIETA)	
PER AZIONI,)	
Applicant.)	

OPPOSER'S NOTICE OF RELIANCE UNDER RULE 2.122(d)(2)

Opposer, American Italian Pasta Company intends to rely on the following registrations, which it owns. Pursuant to TBMP 704.03(b)(1), certified copies of the applications prepared and issued by the Office showing the current status of and current title to the registrations are attached hereto.

Opposer's Exhibit 224	Serial No. 76,497,489	Certified copies of the application and file history for AMERICA'S FAVORITE PASTA;
Opposer's Exhibit 225	Serial No. 76,497,190	Certified copies of the application and file history for AMERICA'S FAVORITE PASTA (and design);

These applications are relevant to the above-noted opposition because they have been refused registration under Section 2(d) on the basis that they conflict with Applicant's prior-pending application for BARILLA - AMERICA'S FAVORITE PASTA, Serial No. 78/136,703. The

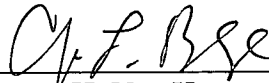
applications will be relied on to show that Opposer has prior use of the trademarks and to show a likelihood of confusion with Applicant's pending trademark.

Opposer's Exhibit 228

Certified Copy of U.S. Registration No. 2790465 for
ITALY'S #1 PASTA

This registration is relevant to the above-noted opposition because it proves that a statement of puffery, notwithstanding its laudatory character, is capable of trademark protection and acquiring distinctiveness. Additionally, it supports the argument that Applicant's registration of BARILLA - AMERICA'S FAVORITE PASTA is likely to create consumer confusion with Applicant's prior registered trademark and overall Italian-themed trade dress, as compared to Oppose's American-themed trade dress and trademarks. Finally, it is relevant to testimony elicited during cross examination of witnesses in the Oppose's case in chief to show that trademarks may be protectible without any requirement that their use be accompanied by the symbols TM or, as appropriate, [®].

Respectfully submitted,



Thomas H. Van Hoozer, Reg. No. 32761

Cheryl L. Burbach

HOVEY WILLIAMS LLP

2405 Grand Blvd., Suite 400

Kansas City, MO 64108

Phone: 816/474-9050

Fax: 816/474-9057

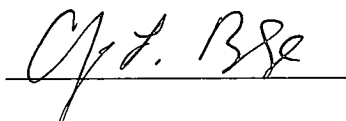
Attorney for Opposer

CERTIFICATE OF MAILING

The undersigned hereby certifies that *Opposer's Notice of Reliance Under Rule 2.122(d)(2)* is being deposited with the United States Postal Service as First Class U.S. Mail addressed to:

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

on this 13th day of November, 2006.

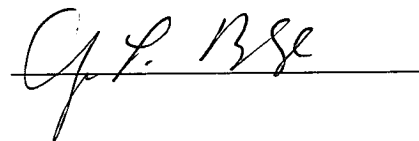


CERTIFICATE OF SERVICE

The undersigned hereby certifies that the attached *Opposer's Notice of Reliance Under Rule 2.122(d)(2)* has been served on Applicant via First Class U.S. Mail to the following address:

G. Franklin Rothwell
Brian E. Banner
ROTHWELL, FIGG, ERNST & MANBECK P.C.
1425 K Street, NW, Suite 800
Washington, DC 20005
Fax: (202) 783-6031

on this 13th day of November, 2006.



American Italian Pasta Company

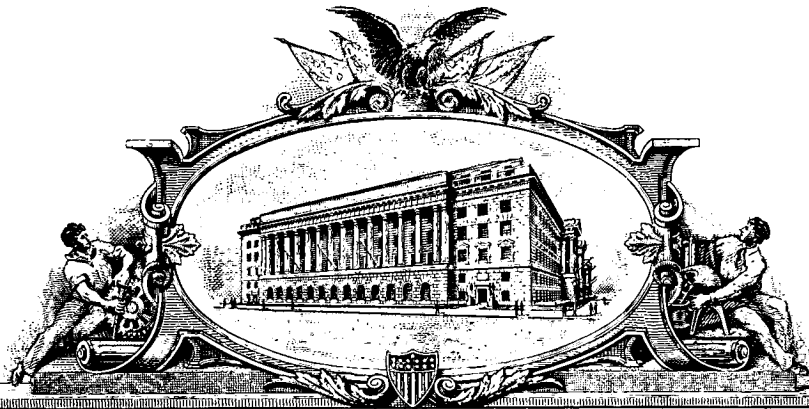
v.

Barilla Alimentare S.P.A.

Opposition No. 91161373

Opposer's Exhibit 224

7030928



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

September 25, 2006

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE TRADEMARK FILE WRAPPER AND
CONTENTS OF:**

TRADEMARK APPLICATION: 76/497,190

FILING DATE: *March 14, 2003*

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



L. Edelen

**L. EDELEN
Certifying Officer**

76497190

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/19/2003 KSONCHAN 00000041 76497190

01 FC:6001 335.00 DP

Void date: 03/19/2003 KSONCHAN
03/19/2003 KSONCHAN 00000041 76497190
01 FC:6001 -335.00 DP

03/19/2003 KSONCHAN 00000204 76497190

01 FC:6001 335.00 DP

PTO-1555
(5/87)

LAW OFFICES
HOVEY WILLIAMS LLP
A LIMITED LIABILITY PARTNERSHIP
OF PROFESSIONAL CORPORATIONS

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WARREN N. WILLIAMS, P. C.
STEPHEN D. TIMMONS, P. C.
JOHN M. COLLINS, P. C.
THOMAS H. VAN HOOZER, P. C.*
THOMAS B. LUEBBERING, P. C.
ANDREW G. COLOMBO, P. C.
SCOTT R. BROWN, P. C.**
TRACY L. BORNMAN, P. C.

*ADMITTED IN MISSOURI AND KANSAS
**ADMITTED IN MISSOURI AND CALIFORNIA
***ADMITTED IN MISSOURI, KANSAS AND OKLAHOMA
****ADMITTED IN MISSOURI AND TENNESSEE

ESTABLISHED 1929
INTELLECTUAL PROPERTY LAW
U.S. & FOREIGN PATENTS,
TRADEMARKS, COPYRIGHTS
& UNFAIR COMPETITION CAUSES

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KAMERON D. KELLY***
JASON E. GORDEN**
GREGORY J. SKOCH*
LESLIE L. LAWSON
JENNIFER C. BAILEY****

DAVID TERRELL, PATENT AGENT

March 11, 2003

Commissioner for Trademarks
Box NEW APP FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Dear Sir:

Enclosed herewith is a complete application of American Italian Pasta Company for registration of the mark AMERICA'S FAVORITE PASTA AND DESIGN. We also enclose herewith three (3) specimens showing use of the mark.

A check covering the registration fee of \$335.00 is also enclosed. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Please forward the filing receipt to this office at your earliest convenience.

Very truly yours,

HOVEY WILLIAMS LLP

By: 

Thomas H. Van Hoozer, Reg. No. 32,761

TVH:sms
Enclosures
(Docket No. 33315)

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Trademarks, Box NEW APP FEE, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 11th day of March, 2003.

HOVEY WILLIAMS LLP

by 

**MARK: AMERICA'S FAVORITE
PASTA AND DESIGN
CLASS: 29**

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

American Italian Pasta Company, a corporation duly organized under the laws of the State of
MISSOURI,

Business Address: 4100 N. Mulberry Drive, Suite 200, Kansas City, MO 64116-1696

Applicant requests registration of the above identified trademark shown in the accompanying drawing in the United States Patent and Trademark Office under Section 2(f) of the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods:

PASTA

Applicant believes that the mark has become distinctive of applicant's goods in interstate commerce with respect to the words AMERICA'S FAVORITE PASTA by reason of their substantially exclusive and continuous use thereof as a trademark by Applicant and its predecessor in interest in commerce for the five years before the date on which this claim of distinctiveness is made.

Applicant is using the mark in commerce on or in connection with the above identified goods. (15 U.S.C. 1051(a), as amended). Three specimens showing the mark as used in commerce are submitted with this application.

Date of first use of the mark anywhere: May, 2002

Date of first use of the mark in commerce which the

U.S. Congress may regulate: May, 2002

Type of commerce: Interstate

The mark is used by applying it to the goods.

Applicant hereby appoints the law firm of HOVEY WILLIAMS LLP, 2405 Grand Boulevard, Suite 400, Kansas City, Missouri 64108, telephone number 816-474-9050 as the address to whom all communications about this application are to be directed, and hereby appoints each of the following attorneys associated with said firm, and of the same address, individually and collectively, its attorneys, with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration: Robert D. Hovey, Warren N. Williams, Stephen D. Timmons, John M. Collins, Thomas H. Van Hoozer, Thomas B. Luebbering, Andrew G. Colombo, Tracy Bornman, Tracey S. Truitt, Scott R. Brown, Lara Dickey Lewis, and David V. Ayres, Gerhard P. Shipley, Kameron D. Kelly, Gregory J. Skoch, Leslie L. Lawson, Jennifer C. Bailey, Jason E. Gorden and William J. Jacob.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant; he believes the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he believes applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, to cause

confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

American Italian Pasta Company

Date: March 10, 2003

By Tim Webster
Tim Webster

(Docket No. 33315)

AMERICA'S FAVORITE PASTA

Mueller's

QUALITY SINCE 1867



NET WT 12 OZ (340g)

Applicant: American Italian Pasta Company
P.O. Address: 4100 N. Mulberry Drive, Suite 200
Kansas City, MO 64116-1696
First Use: On the goods, May, 2002;
in commerce regulated by Congress, May, 2002
Goods: PASTA



03-14-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #57

★ ★ ★ ★ ★ ★ ★ ★
AMERICA'S FAVORITE PASTA

U.S. Patent & TM Off/TM

76497190

Thomas H. Van Hoozer
Hovey Williams LLP
(816) 474-9050
Dkt. No. 33315

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/497190

APPLICANT: American Italian Pasta Company

CORRESPONDENT ADDRESS:

THOMAS H. VAN HOOZER
HIOVEY WILLIAMS LLP
2405 GRAND BOULEVARD, SUITE 400
KANSAS CITY, MISSOURI 64108

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

If no fees are enclosed, the address should
include the words "Box Responses - No
Fee."

MARK: AMERICA'S FAVORITE PASTA

CORRESPONDENT'S REFERENCE/DOCKET NO: 33315

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 76/497190

NOTICE OF SUSPENSION

The examining attorney has searched the Office records and has found no similar registered mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMFP section 704.02.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **78136703**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant to this pending application(s) **was sent previously**. The applicant may request that the application be removed from suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not affect the applicant's right to present arguments later.

/George M Lorenzo/
Examining Attorney
Law Office 110
Phone: (703) 308-9110, ext 143
Fax: (703) 746-8110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)
)
American Italian Pasta Company)
)
Serial No.: 76/497,190) Law Office No. 110
)
Filing Date: March 14, 2003)
) TM Attorney: George Lorenzo
Mark: AMERICA'S FAVORITE PASTA and)
design)

Hon. Commissioner of Patents and Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Dear Sir:

AMENDMENT

Please enter the following amendment responsive to the Office Action dated
September 3, 2003.

STATEMENT

Please enter the following disclaimer: -- No claim is made to the exclusive right to
use PASTA apart from the mark as shown. --

Please amend the classification of goods from class 29 as originally filed to
International Class 30.

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to the
Commissioner of Patents and Trademarks, Box Respon. Rpt. &, 2900 Crystal Drive, Arlington, Virginia 22202-3513,
on this 24 day of February, 2004.

HOVEY WILLIAMS LLP

By [Signature]

03-01-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #77

DECLARATION IN SUPPORT OF DISTINCTIVENESS

Applicant submits herewith the Declaration of Daniel Trott in support of applicant's claim of acquired distinctiveness under Section 2(f) to the word portion of the mark, which has been in substantially continuous use for the preceding 5 years, the logo element having been added later.

REMARKS

In response to the Office Action of September 3, 2003, applicant notes that there may have been some confusion as to the claim of distinctiveness under Section 2(f) as set forth in the application as originally filed. As set forth originally in the claim of acquired distinctiveness, applicant and its predecessor in interest have used the word portion of the mark substantially continuously and exclusively for a period of 5 years next preceding the filing date of the application. The "flag" element added along the top of the wording as shown in the mark was first used on or about May of 2002. The declaration elaborates on the use of the word portion "AMERICA'S FAVORITE PASTA" since September of 1997, and thus applicant believes this Declaration satisfies the concerns expressed regarding the perceived inconsistency between the dates of use and the claim of acquired distinctiveness.

Applicant has entered a disclaimer with respect to the term "pasta" and amended the classification of goods as directed.

With respect to the cited application, applicant notes it has not yet matured to registration. Because applicant's dates of first use long precede the filing date of the cited

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Box _____, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this _____ day of _____, 20____.

HOVEY WILLIAMS LLP

By _____

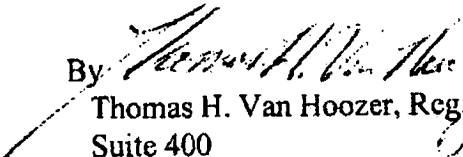
application no. 78/136,703 filed on the basis of intent-to-use, applicant requests that the present application be suspended pending the outcome of the cited application.

Should the Trademark Attorney have any additional questions or issues which may be resolved by a telephone conference, he is encouraged to contact applicant's attorney at 1-800-445-3460. Any additional fees necessitated by this submission may be charged to deposit account 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By

 Thomas H. Van Hoozer, Reg. #32761

Suite 400

2405 Grand Boulevard

Kansas City, Missouri 64108

(816) 474-9050

(Docket No. 33315)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)	
)	
American Italian Pasta Company)	
)	
Serial No.: 76/497,190)	
)	Trademark Attorney: George Lorenzo
Filed: March 14, 2003)	Law Office 110
)	
Mark: AMERICA'S FAVORITE PASTA)	
and design)	

Hon. Commissioner of Trademarks
2900 Crystal Drive
Arlington, Virginia 22203-3513

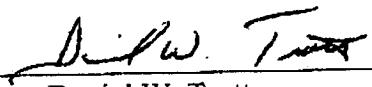
Sir:

DECLARATION

The undersigned, Daniel W. Trott, declares that he is executive vice president of applicant corporation; that all statements made herein are true; that applicant corporation is the owner of the mark sought to be registered; that to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the services of such other person, to cause confusion, or to cause mistake, or to deceive; that the word portion of the mark which is the subject of the above-referenced application, AMERICA'S FAVORITE PASTA, was first used at least as early as September of 1997 and first used in interstate commerce which Congress may regulate at least as early as September 1997; that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

AMERICAN ITALIAN PASTA COMPANY

By 
Daniel W. Trott
Executive Vice President

Date: 11/24/03

(Docket No. 33315)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/497190

APPLICANT: American Italian Pasta Company

CORRESPONDENT ADDRESS:

THOMAS H. VAN HOOZER
HIOVEY WILLIAMS LLP
2405 GRAND BOULEVARD, SUITE 400
KANSAS CITY, MISSOURI 64108

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom110@uspto.gov

MARK: AMERICA'S FAVORITE PASTA

CORRESPONDENT'S REFERENCE/DOCKET NO: 33315

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 76/497190

The assigned examining attorney has reviewed the referenced application and determined the following.

Search Results

Although the examining attorney has searched the Office records and has found no similar *registered* mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), the examining attorney encloses information regarding pending Application Serial No. 78136703. 37 C.F.R. §2.83.

There may be a likelihood of confusion between the applicant's mark and the mark in the above noted application under Section 2(d) of the Act. The filing date of the referenced application precedes the applicant's filing date. If the earlier-filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

If the applicant believes that there is no potential conflict between this application and the earlier-filed application, the applicant may present arguments relevant to the issue. The election to file or not to file such a request at this time in no way limits the applicant's right to address this issue at a later point.

Nevertheless, the applicant must respond to the following issues.

Section 2(f)

The applicant seeks registration under §2(f), 15 U.S.C. §1052(f), by using the statutory suggestion of five years of use as proof of distinctiveness. However, the application indicates that the goods have been in use since May, 2002. As such, use of the mark does not cover the five years before the date of the statement of five years' use. *See* TMEP §1212.05(d).^[1] Thus, the Section 2(f) claim can not be accepted and must be withdrawn.

Disclaimer:

The applicant must disclaim all wording in the mark because it is merely descriptive and geographically descriptive of the goods. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a). The wording is merely descriptive and geographically descriptive because it indicates a feature of the applicant's goods and the place where they originate.

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP §1213.08(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use AMERICA'S FAVORITE PASTA apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm'r Pats. 1983).

Classification of Goods

The applicant has classified the goods incorrectly. The applicant must amend the application to classify the goods in International Class 30. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03 (b). *See* attachment.

Fee Increase**Fee increase effective January 1, 2003**

Effective January 1, 2003, the fee for filing an application for trademark registration will be increased to \$335.00 per International Class. The USPTO will not accord a filing date to applications that are filed on or after that date that are not accompanied by a minimum of \$335.00.

Additionally, the fee for amending an existing application to add an additional class or classes of goods/services will be \$335.00 per class for classes added on or after January 1, 2003.

/George M Lorenzo/
Examining Attorney
Law Office 110
Phone: (703) 308-9110, ext 143
Fax: (703) 746-8110
E-mail: ECOM110@USPTO.GOV

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

[1] If the applicant chooses to seek registration under §2(f), 15 U.S.C. §1052(f), by using the statutory suggestion of five years of use as proof of distinctiveness, the applicant should submit a claim of distinctiveness that reads as follows, if accurate:

The mark has become distinctive of the goods (or services) through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

The claim of five years of use is generally required to be supported by an affidavit, or a declaration in accordance with 37 C.F.R. §2.20, signed by the applicant. See 37 C.F.R. §2.41(b). The affidavit or declaration can be signed by a person properly authorized to sign on behalf of applicant under 37 C.F.R. §2.33(a). See TMEP §804.04.

The following are guidelines regarding the form and language appropriate for a claim of five years of use:

(1) Use of the precise statutory wording is desirable, but variations may be accepted if they do not affect the essential allegations.

(2) The wording "substantially exclusive and continuous use in commerce" is essential.

(3) It must be clear from the record that the five years of use has been in commerce that may lawfully be regulated by Congress. See *Blanchard & Co., Inc. v. Charles Gilman & Son, Inc.*, 145 USPQ 62 (D. Mass. 1965), *aff'd*, 353 F.2d 400, 147 USPQ 263 (1st Cir. 1965), *cert. denied* 383 U.S. 968, 149 USPQ 905 (1966).

(4) The use of the mark must cover the five years before the date of the statement of five years' use. Thus wording that indicates that the use referred to is before the date of the statement is essential. Its omission can only be excused if the facts in the record clearly show that the use includes the five years before the date of the statement.

(5) The affidavit or declaration should include a statement that the mark has become distinctive or that the applicant believes that the mark has become distinctive, but absence of this statement is not fatal. See TMEP §1212.07 for examples of various ways in which an applicant may assert a §2(f) claim.

(6) The affidavit or declaration should contain a reference to distinctiveness as applied to the applicant's goods or services, or to use with the applicant's goods or services, because the distinctiveness created by the five years' use must relate to the goods or services specified in the application. If there is doubt that the distinctiveness pertains to either all or any of the goods or services specified in the application, the examining attorney should inquire regarding that issue. While a clarifying response does not have to be verified, a substitute statement must be verified, *i.e.*, supported by an affidavit or a declaration under 37 C.F.R. §2.20, signed by the applicant.

TMEP §1212.05(d).

TYPED DRAWING

Serial Number

78136703

Status

FINAL REFUSAL - MAILED

Word Mark

BARILLA - AMERICA'S FAVORITE PASTA

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Barilla Alimentare S.p.A. CORPORATION ITALY Via Mantova 166 Parma PR
ITALY 43100

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: PASTA, PASTA
PRODUCTS, NAMELY MEALS CONSISTING PRIMARILY OF PASTA, MACARONI SALAD,
PASTA SALAD, SAUCES FOR PASTA.

Filing Date

2002/06/18

Examining Attorney

SPRUILL, DARRYL

Attorney of Record

G. Franklin Rothwell, Esq.

Trademark Acceptable Identification
of Goods and Services Manual
Search Results

The S field indicates the status of the record: A=added, M=modified, D=deleted. The Date field indicates the date of that status. Minor corrections to an entry, e.g., typos, are not considered changes in status.

TIC S DATE GOODS

Result of search for "pasta":

- 007 A 9/1/95 Electric pasta makers for domestic use
- 030 A 4/2/91 Entrees consisting primarily of pasta or rice [indicate whether frozen, prepared or packaged]
- 030 A 4/2/91 Meals consisting primarily of pasta or rice [indicate frozen, prepared or packaged]
- 008 A 9/1/95 Non-electric pasta makers for domestic use
- 030 A 4/2/91 Pasta
- 030 A 4/2/91 Pasta salad
- 030 A 4/2/91 Pasta shells
- 029 A 6/1/01 Pre-packaged dinners consisting [indicate component, e.g., primarily of meat, seafood or poultry served with pasta, rice and vegetables]
- 029 A 4/2/91 Salads except macaroni, rice, and pasta salad

USPTO HOME PAGE

*** User: glorenzo ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	76497190[SN]
02	46509	N/A	0	0	0:01	(*ner{"iy"}{"ck"}a* *usa*) [b',l']
03	1112	N/A	0	0	0:06	*["fp"]\$v[v]z["iy"]t* [bi,ti]
04	4261	N/A	0	0	0:04	*p[v]at[v]* [bi,ti]
05	308	180	128	23	0:01	2 and (3 4)
06	10	5	0	1	0:01	3 and 4

Session started 9/2/03 11:51:00 AM

Session finished 9/2/03 11:57:25 AM

Total search duration 0 minutes 14 seconds

Session duration 6 minutes 25 seconds

Default NEAR Limit= 1 ADJ Limit= 1

Sent to TIGRS as Serial Number: 76497190

*** User: glorenzo ***

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03	2604	N/A	0	0	0:01	240905
04	104840	N/A	0	0	0:00	(261121 261705) [IX]
05	3933	N/A	0	0	0:01	2 and (3 4)
06	389	189	3	200	0:01	3 and 4
07	1137	N/A	0	0	0:04	"003" [cc] and 5
08	117	N/A	0	0	0:02	("003" "a" "b" "200") [ic] and 5
09	1161976	N/A	0	0	0:04	"030" [cc]
10	1398	N/A	0	0	0:01	5 and 9
11	130	78	2	102	0:02	5 and ("030" "a" "b" "200") [ic]
12	162	67	2	95	0:02	5 and ("029" "a" "b" "200") [ic]

Session started 9/2/03 12:33:31 PM

Session finished 9/2/03 1:41:15 PM

Total search duration 0 minutes 21 seconds

Session duration 67 minutes 44 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TIGRS as Serial Number: 76497190

*** User: glorenzo ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	76497190[SN]
02	46509	N/A	0	0	0:00	(*mer["iy"]{["ok"]a* *usa*}[bi,ti]
03	1112	N/A	0	0	0:06	*["fp"]\$v[v]r["iy"]t*[bi,ti]
04	4261	N/A	0	0	0:04	*p[v]at[v]*[bi,ti]
05	308	180	128	23	0:01	2 and (3 4)
06	10	5	5	1	0:00	3 and 4

Session started 9/2/03 11:51:00 AM

Session finished 9/2/03 11:57:25 AM

Total search duration 0 minutes 14 seconds

Session duration 6 minutes 25 seconds

Default NEAR Limit= 1 ADJ Limit= 1

Sent to TICRS as Serial Number: 76497190

*** User: glorenzo ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
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02	23548	N/A	0	0	0:00	(010103 010110) [IX]
03	2604	N/A	0	0	0:01	240905
04	104840	N/A	0	0	0:00	(261121 261705) [IX]
05	3933	N/A	0	0	0:01	2 and (3 4)
06	389	189	3	200	0:01	3 and 4
07	1197	N/A	0	0	0:04	"003" [cc] and 5
08	117	N/A	0	0	0:02	("003" "a" "b" "200") [ic] and 5
09	1161976	N/A	0	0	0:04	"030" [cc]
10	1398	N/A	0	0	0:01	5 and 9
11	180	78	2	102	0:02	5 and ("030" "a" "b" "200") [ic]
12	162	67	2	95	0:02	5 and ("029" "a" "b" "200") [ic]

Session started 9/2/03 12:33:31 PM

Session finished 9/2/03 1:41:15 PM

Total search duration 0 minutes 21 seconds

Session duration 67 minutes 44 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TICRS as Serial Number: 76497190

Applicant: American Italian Pasta Company
P.O. Address: 4100 N. Mulberry Drive, Suite 200
Kansas City, MO 64116-1696
First Use: On the goods, May, 2002;
in commerce regulated by Congress, May, 2002
Goods: PASTA



03-14-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #57

★ ★ ★ ★ ★ ★ ★ ★
AMERICA'S FAVORITE PASTA

U.S. Patent & TM Otc/TM

76497190

Thomas H. Van Hoozer
Hovey Williams LLP
(816) 474-9050
Dkt. No. 33315

American Italian Pasta Company

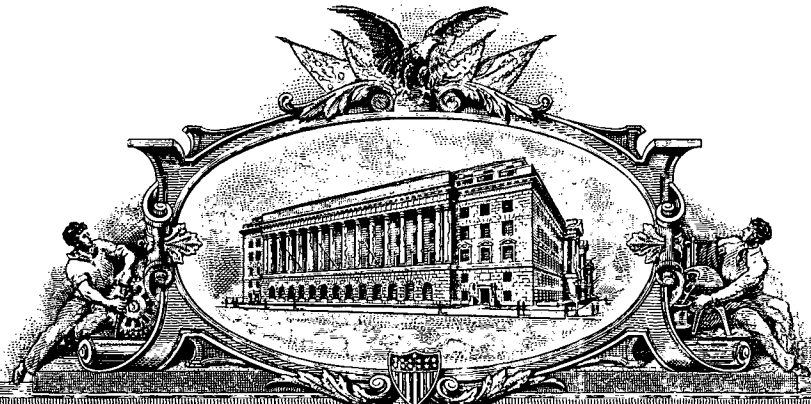
v.

Barilla Alimentare S.P.A.

Opposition No. 91161373

Opposer's Exhibit 225

7030930



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

September 25, 2006

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE TRADEMARK FILE WRAPPER AND
CONTENTS OF:**

TRADEMARK APPLICATION: 76/497,489

FILING DATE: *March 14, 2003*

By Authority of the

**Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



L. Edelen

**L. EDELEN
Certifying Officer**

76497489

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/19/2003 KSEMICHAH 00000193 76497489

01 FC:6001

335.00 DP

PTO-1555
(5/87)

LAW OFFICES

HOVEY WILLIAMS LLP

A LIMITED LIABILITY PARTNERSHIP
OF PROFESSIONAL CORPORATIONS

ESTABLISHED 1929

INTELLECTUAL PROPERTY LAW
U.S. & FOREIGN PATENTS,
TRADEMARKS, COPYRIGHTS
& UNFAIR COMPETITION CAUSES

2405 GRAND BOULEVARD
SUITE 400
KANSAS CITY, MO. 64108-2519

TELEPHONE 816-474-9080
FACSIMILE 816-474-9087

www.hoveywilliams.com

ROBERT D. HOVEY, P. C.*
WARREN N. WILLIAMS, P. C.
STEPHEN D. TIMMONS, P. C.
JOHN M. COLLINS, P. C.
THOMAS H. VAN HOOZER, P. C.*
THOMAS B. LUEBBERING, P. C.
ANDREW G. COLOMBO, P. C.
SCOTT R. BROWN, P. C.**
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KAMERON D. KELLY***
JASON E. GORDEN**
GREGORY J. SKOCH*
LESLIE L. LAWSON
JENNIFER C. BAILEY****

DAVID TERRELL, PATENT AGENT

*ADMITTED IN MISSOURI AND KANSAS
**ADMITTED IN MISSOURI AND CALIFORNIA
***ADMITTED IN MISSOURI, KANSAS AND OKLAHOMA
****ADMITTED IN MISSOURI AND TENNESSEE

March 11, 2003

Commissioner for Trademarks
Box NEW APP FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Dear Sir:

Enclosed herewith is a complete application of American Italian Pasta Company for registration of the mark AMERICA'S FAVORITE PASTA. We also enclose herewith three (3) specimens showing use of the mark.

A check covering the registration fee of \$335.00 is also enclosed. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Please forward the filing receipt to this office at your earliest convenience.

Very truly yours,

HOVEY WILLIAMS LLP

By: 

Thomas H. Van Hoozer, Reg. No. 32,761

TVH:sms
Enclosures
(Docket No. 33314)

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Trademarks, Box NEW APP FEE, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 11th day of March, 2003.

HOVEY WILLIAMS LLP

by 

**MARK: AMERICA'S FAVORITE
PASTA**

CLASS: 29

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

American Italian Pasta Company, a corporation duly organized under the laws of the State of Missouri,

Business Address: 4100 N. Mulberry Drive, Suite 200, Kansas City, MO 64116-1696

Applicant requests registration of the above identified trademark shown in the accompanying drawing in the United States Patent and Trademark Office under Section 2(f) of the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods:

PASTA

The mark has become distinctive of applicant's goods by reason of substantially exclusive and continuous use in commerce thereof by applicant and its predecessor in interest for the five years preceding the date of filing of this application.

Applicant is using the mark in commerce on or in connection with the above identified goods. (15 U.S.C. 1051(a), as amended). Three specimens showing the mark as used in commerce are submitted with this application.

Date of first use of the mark anywhere: At least as early as September, 1997

Date of first use of the mark in commerce which the

U.S. Congress may regulate: At least as early as September, 1997

Type of commerce: Interstate

The mark is used by applying it to the goods.

Applicant hereby appoints the law firm of HOVEY WILLIAMS LLP, 2405 Grand Boulevard, Suite 400, Kansas City, Missouri 64108, telephone number 816-474-9050 as the address to whom all communications about this application are to be directed, and hereby appoints each of the following attorneys associated with said firm, and of the same address, individually and collectively, its attorneys, with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration: Robert D. Hovey, Warren N. Williams, Stephen D. Timmons, John M. Collins, Thomas H. Van Hoozer, Thomas B. Luebbering, Andrew G. Colombo, Tracy Bornman, Tracey S. Truitt, Scott R. Brown, Lara Dickey Lewis, and David V. Ayres, Gerhard P. Shipley, Kameron D. Kelly, Gregory J. Skoch, Leslie L. Lawson, Jennifer C. Bailey, Jason E. Gorden and William J. Jacob.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant; he believes the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he believes applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

American Italian Pasta Company

Date: March 10, 2003

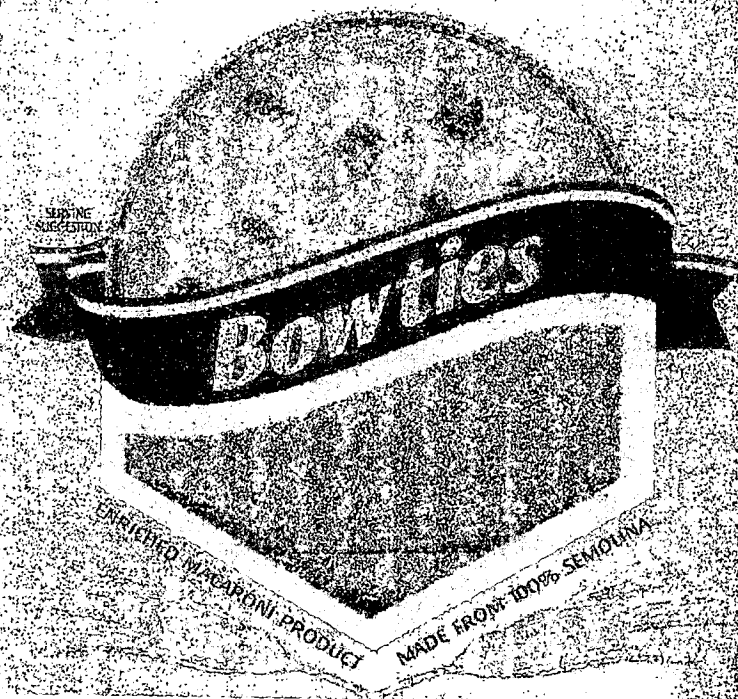
By Tim Webster
Tim Webster, President

(Docket No. 33314)

AMERICA'S FAVORITE PASTA

Mueller's

QUALITY SINCE 1867



NET WT 12 OZ (340g)

03-14-2003

U.S. Patent & TMO/c/TM Mail Rpt Dt. #67

Applicant:

American Italian Pasta Company

P.O. Address:

4100 N. Mulberry Drive, Suite 200
Kansas City, MO 64116-1696

First Use:

On the goods, April 19, 1989;
in commerce regulated by Congress, 1997

Goods:

PASTA

AMERICA'S FAVORITE PASTA

U.S. Patent & TM Ofc/TM



76497489

Thomas H. Van Hoozer
Hovey Williams LLP
(816) 474-9050
Dkt. No. 33314

UNITED STATES PATENT AND TRADEMARK OFFICE**SERIAL NO:** 76/497489**APPLICANT:** American Italian Pasta Company**CORRESPONDENT ADDRESS:**

THOMAS H. VAN HOOZER
HIOVEY WILLIAMS LLP
2405 GRAND BOULEVARD, SUITE 400
KANSAS CITY, MISSOURI 64108

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

If no fees are enclosed, the address should
include the words "Box Responses - No
Fee."

MARK: AMERICA'S FAVORITE PASTA**CORRESPONDENT'S REFERENCE/DOCKET NO:** 33314**CORRESPONDENT EMAIL ADDRESS:**

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 76/497489

NOTICE OF SUSPENSION

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **78/136703**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant to this pending application(s) **was sent previously**. The applicant may request that the application be removed from suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not affect the applicant's right to present arguments later.

/MEBodson/
Attorney Advisor
Law Office 110
703-308-9110, ext. 228
(703)746-8110 fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)
)
American Italian Pasta Company)
)
Serial No.: 76/497,489) Law Office No. 110
)
Filing Date: March 14, 2003)
) TM Attorney: M. E. Bodson
Mark: AMERICA'S FAVORITE PASTA)

Hon. Commissioner of Patents and Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Dear Sir:

AMENDMENT

Please enter the following amendment responsive to the Office Action dated September 3, 2003.

STATEMENT

Please enter the following disclaimer: – No claim is made to the exclusive right to use PASTA apart from the mark as shown. –

Please amend the classification of goods from class 29 as originally filed to International Class 30.

I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Box Response No. 11, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this 24 day of February, 2004.

HOVEY WILLIAMS LLP

By [Signature]

03-01-2004

U.S. Patent & TMO/TM Mail Rpt Dt #77

REMARKS

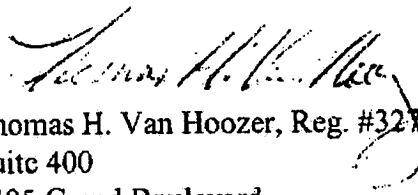
In response to the Office Action of September 3, 2003, applicant has entered a disclaimer with respect to the term "pasta" as required and amended the classification of the goods..

With respect to the cited application, applicant notes it has not yet matured to registration. Because applicant's dates of first use long precede the filing date of the cited application no. 78/136,703 filed on the basis of intent-to-use, applicant requests that the present application be suspended pending the outcome of the cited application.

Should the Trademark Attorney have any additional questions or issues which may be resolved by a telephone conference, he is encouraged to contact applicant's attorney at 1-800-445-3460. Any additional fees necessitated by this submission may be charged to deposit account 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By 
Thomas H. Van Hoozer, Reg. #32761
Suite 400
2405 Grand Boulevard
Kansas City, Missouri 64108
(816) 474-9050

(Docket No. 33314)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/497489

APPLICANT: American Italian Pasta Company

CORRESPONDENT ADDRESS:

THOMAS H. VAN HOOZER
HIOVEY WILLIAMS LLP
2405 GRAND BOULEVARD, SUITE 400
KANSAS CITY, MISSOURI 64108

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom110@uspto.gov

MARK: AMERICA'S FAVORITE PASTA

CORRESPONDENT'S REFERENCE/DOCKET NO: 33314

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 76/497489

The assigned examining attorney has reviewed the referenced application and determined the following.

Search Results

Although the examining attorney has searched the Office records and has found no similar *registered* mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), the examining attorney encloses information regarding pending Application Serial No. 78/136703. 37 C.F.R. §2.83.

There may be a likelihood of confusion between the applicant's mark and the mark in the above noted application under Section 2(d) of the Act. The filing date of the referenced application precedes the applicant's filing date. If the earlier-filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

Disclaimer

The applicant must insert a disclaimer of PASTA in the application. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.08(a)(i).

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use PASTA apart from the mark as shown.

The term merely describes the goods of the applicant.

Classification

The applicant has classified the goods incorrectly. The applicant must amend the application to classify the goods in International Class 30. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §§1401.02(a) and 1401.03 (b).

Fee Increase

Fee increase effective January 1, 2003

Effective January 1, 2003, the fee for filing an application for trademark registration will be increased to \$335.00 per International Class. The USPTO will not accord a filing date to applications that are filed on or after that date that are not accompanied by a minimum of \$335.00.

Additionally, the fee for amending an existing application to add an additional class or classes of goods/services will be \$335.00 per class for classes added on or after January 1, 2003.

/MEBodson/
Attorney Advisor
Law Office 110
703-308-9110, ext. 228
(703)746-8110 fax
ecom110@uspto.gov

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelccresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and

Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

TYPED DRAWING

Serial Number

78136703

Status

FINAL REFUSAL - MAILED

Word Mark

BARILLA - AMERICA'S FAVORITE PASTA

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Barilla Alimentare S.p.A. CORPORATION ITALY Via Mantova 166 Parma PR
ITALY 43100

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: PASTA, PASTA
PRODUCTS, NAMELY MEALS CONSISTING PRIMARILY OF PASTA, MACARONI SALAD,
PASTA SALAD, SAUCES FOR PASTA.

Filing Date

2002/06/18

Examining Attorney

SPRUILL, DARRYL

Attorney of Record

G. Franklin Rothwell, Esq.

*** User: mbodson ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
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03	475	N/A	0	0	0:05	*favorite*[bi,ti] and live[id]
04	483	N/A	0	0	0:06	*pasta*[bi,ti] and live[id]
05	110	0	110	13	0:01	2 and 3
06	7	0	7	2	0:01	2 and 4
07	3	0	3	1	0:01	3 and 4

Session started 9/3/03 7:21:12 AM

Session finished 9/3/03 7:24:41 AM

Total search duration 0 minutes 22 seconds

Session duration 3 minutes 29 seconds

Default NEAR Limit 1 ADJ Limit 1

Sent to TIGRS as Serial Number: 76497489

*** User: mbodson ***

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Session finished 9/3/03 7:35:11 AM

Total search duration 0 minutes 2 seconds

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Default NEAR Limit= 1 ADJ Limit= 1

Sent to TIGRS as Serial Number: 76497489

*** User: nbodson ***

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02	1	0	1	0	0:01	78136703

Session started 9/3/03 7:34:31 AM

Session finished 9/3/03 7:35:11 AM

Total search duration 0 minutes 2 seconds

Session duration 0 minutes 40 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TIGRS as Serial Number: 76497489

*** User: nbodson ***

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03	475	N/A	0	0	0:05	*favorite*[bi,ti] and live[id]
04	433	N/A	0	0	0:06	*pasta*[bi,ti] and live[id]
05	110	0	110	13	0:01	2 and 3
06	7	0	7	2	0:01	2 and 4
07	3	0	3	1	0:01	3 and 4

Session started 9/3/03 7:21:12 AM
Session finished 9/3/03 7:24:41 AM
Total search duration 0 minutes 22 seconds
Session duration 3 minutes 29 seconds

Default NEAR limit 1 ADJ limit 1

Sent to TIGRS as Serial Number: 76497439

03-14-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #57

Applicant:	American Italian Pasta Company
P.O. Address:	4100 N. Mulberry Drive, Suite 200 Kansas City, MO 64116-1696
First Use:	On the goods, April 19, 1989; in commerce regulated by Congress, 1997
Goods:	PASTA

AMERICA'S FAVORITE PASTA

U.S. Patent & TM Ofc/TM

76497489

Thomas H. Van Hoozer
Hovey Williams LLP
(816) 474-9050
Dkt. No. 33314

American Italian Pasta Company

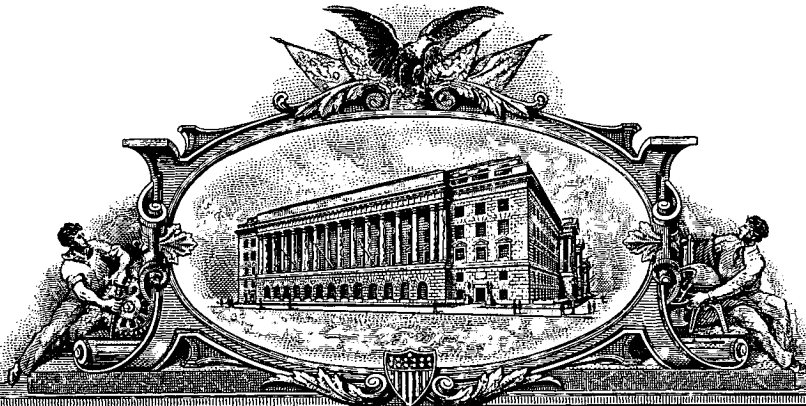
v.

Barilla Alimentare S.P.A.

Opposition No. 91161373

Opposer's Exhibit 228

774115



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 15, 2005

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,790,465 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

REGISTERED FOR A TERM OF 10 YEARS FROM *December 09, 2003*

SAID RECORDS SHOW TITLE TO BE IN:

***BARILLA G.ER. FRATELLI - SOCIETA PER AZIONI
AN ITALY CORP***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**




E. BORNETT

Certifying Officer

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,790,465

Registered Dec. 9, 2003

**TRADEMARK
PRINCIPAL REGISTER**

ITALY'S #1 PASTA

**BARILLA ALIMENTARE S.P.A. (ITALY CORPORATION)
VIA MANTOVA 166
PARMA, ITALY 43100**

**FOR: PASTA, PASTA PRODUCTS, NAMELY
PENNE LISCE, PENNETTE RIGATE, LINGUINE,
CAPELLINI, LINGUINE FINI, SPAGHETTI, THIN
SPAGHETTI, FARFALLE, ROTINI, RIGATONI,
CONCHIGLIE RIGATE, PENNE RIGATE, TORTI-
GLIONI, GEMELLI, FETTUCCINE, SAUCES FOR
PASTA, IN CLASS 30 (U.S. CL. 46).**

FIRST USE 0-0-1996; IN COMMERCE 0-0-1996.

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PASTA", APART FROM THE
MARK AS SHOWN.**

SEC. 2(F) AS TO "ITALY'S #1".

SER. NO. 76-422,402, FILED 6-19-2002.

GEORGIA CARTY, EXAMINING ATTORNEY